## France

(RÉPUBLIQUE FRANÇAISE)

### Background and Legal System

<table>
<thead>
<tr>
<th><strong>Legal System</strong></th>
<th>Civil law system with indigenous concepts; review of administrative but not legislative acts. The same civil code operates throughout the whole jurisdiction. There is no federal law.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Political System</strong></td>
<td>Republic.</td>
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<tr>
<td><strong>Head of State</strong></td>
<td>President (le Président de la République), elected by a popular vote. Reelection allowed. The President serves a term of 5 years.</td>
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<tr>
<td><strong>Head of Government</strong></td>
<td>Prime Minister, nominated by the National Assembly majority and appointed by the President.</td>
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<tr>
<td><strong>Subnational Entities</strong></td>
<td>Mainland France divided into 22 regions (including Corsica). The capital is Paris.</td>
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<tr>
<td><strong>Sublocal Entities</strong></td>
<td>Regions subdivided into 96 departments, including 4 overseas departments (outre-mer) and three overseas territories.</td>
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<tr>
<td><strong>Transliteration System</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Language</strong></td>
<td>French.</td>
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<tr>
<td>NOTE ON FRENCH LEGAL PUBLICATIONS</td>
<td>There is no official or unofficial compilation of all French laws and regulations in force. The last total compilation of French laws took place in the 19\textsuperscript{th} century and has long expired. The French now rely primarily on individually commercially produced codes and subject compilations for access to in-force legislation.</td>
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<tr>
<td>CONSTITUTION</td>
<td></td>
</tr>
<tr>
<td>OFFICIAL NAME</td>
<td>The Constitution, <em>(La Constitution)</em>.</td>
</tr>
<tr>
<td>CITATION FORMAT</td>
<td>CONST., Art. &lt;article&gt; (FRN).</td>
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<tr>
<td>Example</td>
<td>CONST., Art. 16. (FRN).</td>
</tr>
<tr>
<td>Note</td>
<td>France has had fifteen constitutions since 1791. Citation format for one of those constitutions: &lt;$year$&gt; CONST. &lt;article&gt;.</td>
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</tbody>
</table>
France

<table>
<thead>
<tr>
<th>STATUTES</th>
<th></th>
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<tbody>
<tr>
<td>GOVERNMENT STRUCTURE</td>
<td>France is a centralized country ruled by a semi-presidential system, called “rationalized parlementarism.”</td>
</tr>
</tbody>
</table>
The President designates a Prime Minister from the parliamentary majority. Parliament (Parlement) is comprised of the National Assembly (Assemblée nationale), whose 577 members are elected by popular vote under a single-member majority system to serve five-year terms and the Senate (Sénat), whose 321 members are indirectly elected by an electoral college to serve nine-year terms (elected by thirds every three years). They both pass the statutes (lois), but according to Article 34 of the 1958 Constitution they are only allowed to do so in certain designated fields (such as civil rights, nationality, status and capacity of persons, inheritance, crimes and criminal procedure, taxes and currency, fundamental principles of education, property rights, labor law, and social security). The rest of the laws are regulations by the executive, designed to be either autonomous laws (ordonnances) or clarifications of parliamentary statutes (decrets).

France is ruled by a strict hierarchy of norms. The supreme source of law is the Constitution (traditionally merged with declarations of rights of 1789 and 1946). After this text, Parliament should pass les lois, with an internal hierarchy: institutional act (loi organique), ordinary act (loi ordinaire), ordinance (ordonnance), followed in authority by treaties and other international agreements, then organic laws, and finally the hierarchy of executive regulations.

The members of the executive have the right to enact regulations (règlements). These regulations (règlements) are décret (if taken by the President or the Prime Minister) (autonome or d'application), arrêté (ministériel, préfectoral or municipal) (if taken by a minister, a prefect or a mayor), or circulaire (no force of law but can be reviewed by administrative courts). Statutes and non-individual decrees have received a number under the shape "99-1234" since 1945. For 2000, the number is under the shape "2000-1234". All statutes and decrees, and the most important arrêtés, are published in the official gazette "Journal officiel de la République française, édition lois et décrets", and receive unique reference numbers (since 1987: a NOR (for normalized)).
REPORTER
Journal Officiel de la République Française [J.O.] [Official Gazette of France].

CITATION FORMAT
Cite to the J.O., as well as one other source:
Law. No. <part>-<number> of <date>, J.O., <publication date>, p. <page>; <additional source, including date, section of journal, page>.

Example

OTHER SOURCES
Receuil Dalloz:
D.L. (1945-64)—Dalloz, Législation.
D.A.L. (1941-44)—Analytique, Législation.
D.C.L. (1941-44)—Critique, Législation.
D.P. IV (1848-1950)—Périodique et Critique.
D.P. III (1825-47)
La Semaine Juridique (Juris-Classeur Périodique):
J.C.P. III, No. x (1942 – date).
J.C.P., No. x (1927 – date).
Collection complète, décrets, ordonnances, réglements et avis du Conseil d’Etat:
Duv. & Boc. (1788-1949)—Duvergier & Bocquet.

CONSTITUTIONAL COURT

BACKGROUND
The Constitutional Council, or Conseil Constitutionnel, is in charge of the constitutional review of the statutes before they are enacted and run national elections (Parliament, President of the Republic, Referendum). The Constitutional Council consists of nine members: three members appointed by the President, three members appointed by the president of the National Assembly, and three appointed by the president of the Senate.

COURT
Conseil constitutionnel (Cons. const.)
CITE

Cite to J.O. or to the Recueil des décisions du Conseil constitutionnel (REC.), CC <decision number followed by category of the decision>, <date of decision>, <name of publication> <page>.

Example

CC decision no. 82-154DC, Dec. 29, 1982, Rec. 80.

CODES

BACKGROUND

The sources of these codes go back to Napoleon, and are the primary basis for most civil law countries. There are seven codes: Code Administratif (Administrative code), Code Civil (Civil Code), Code de Commerce (Commercial Code), Code Pénal (Criminal Code), Code Procédure Pénal (Code of Criminal Procedure), Code du Travail (Employment Code), and Nouveau Code de Procédure Civile (New Code of Civil Procedure). Though historically all laws enacted in France were required to be within the realm of the Codes, there has been a decodification movement, resulting in a body of extra-code legislation that regulates areas traditionally covered by the codes.

CODE ABBREVIATIONS:

- Code administratif- C. ADM.
- Code civil- C. CIV.
- Code de commerce- C. COM.
- Code pénal- C. PÉN.
- Code procédure pénal- C. PR. PEN.
- Code du travail- C. TRAV.
- Nouveau code de procédure civil- N.C.P.C.

Example

C. Civ. § 16.
TREATIES

FORMAT

Cite treaties to the Journal Officiel (J.O.) and one of the two sources listed below.

CITATION

<title of treaty>, <date>, <countries involved>, J.O., <date of publication in J.O.>, <page>; <additional source>.

Example


OTHER SOURCES

• Recueil des traités et accords de la France (1961- date)—[year] Recueil des traités, No. [x].
• Recueil des traités de la France (1713-1906)—[x] Recueil des traités [xxx].

CASE LAW

JUDICIAL OVERVIEW

The French judicial system is divided into two separate bodies: judiciary (ordinary) law and administrative law.

At the top of the judiciary courts (concerning civil, trade, labor and criminal law) there is a Supreme Court of Appeals or Cour de Cassation: 80 judges are appointed by the President of the Republic from nominations of the High Council of the Judiciary. These are listed below.

There are also 35 courts of appeals, 181 grand tribunals, and 473 tribunals (the lower level). All cites to a Cour d'appel or any tribunal should include the city or region, and the chamber, if applicable. The Bluebook contains numerous reporters to which one can cite, but the three most important are listed below.

At the top of the administrative courts (concerning the litigations involving public sector), there is the Council of State or Conseil d'État, with 7 administrative appellate courts and 35 administrative tribunals.
NOTE ON FRENCH CASELAW

The vast majority of decisions in France are summary affirmations of existing judgment, and most are not even published. Most decisions are in the form of a syllogism, beginning with applicable principles, moving on to selected facts, and then concluding with what often appears, due to the logic followed, to be the only result. Judges often make no effort to clarify or explore the legal principles upon which they rely. Dissents and concurrences are unknown. This style fits the civil law mythology that judging is a technical and deductive skill. Though this is what the opinions end up being, this is not to say that case law and previous decisions have no effect on the outcome of a case. In fact, many scholars would say it is just the opposite. Though previously decided cases are not cited to, they are considered persuasive authority and have been called a “nearly mandatory” rule of stare decisis.

FORMAT

<court> [<abbreviation of court>] [<name of court in English>], <region if applicable>, <date of decision>, <reporter or journal>, <year of publication>, <section of journal if applicable>, <page on which decision appears or decision number>, <pinpoint cite>, <author of case note> (Country abbreviation if not evident from context.).

Example


• Cours d’appel (CA)—regional courts of appeal.
• Tribuneaux de Grand Instance (T.G.I.)—ordinary courts of original jurisdiction.
• Cours d’assises (no abbreviation)—criminal courts of original and appellate jurisdiction.
• Tribuneaux d’instance (Trib. inst.)—courts of petty jurisdiction.
• Tribunal des conflits (Trib. conflits)—reconciles disputes between Conseil d’Etat and Cour de cassation.
• Conseil d’Etat (no abbreviation)—highest administrative court.
• Tribunaux administratifs (Trib. adm.)—regional administrative court of first instance.
Citation Format for Cour de Cessation Chambers

- Chambres reunites (to 1978)—Cass. ch. réuns.
- Chambre mixte—Cass. ch. mixte
- Première chambre civile—Cass. 1e civ.
- Deuxième chambre civile—Cass. 2e civ.
- Troisième chambre civile—Cass. 3e civ.
- Chambre criminelle—Cass. crim.
- Chambre sociale—Cass. soc.
- Chambre des requêtes (to 1947)—Cass. req.

Reporters of Cour de Cessation Decisions

- Bulletin des arrêts de la Cour de cassation, chambres criminelles (1798-date) - <year> Bull. Crim., No. <number>.

Reporters for Cour d’Appels

Recueil Dalloz
- Dalloz-Sirey (1965-date).
- Jurisprudence—D. [year].

Gazette du Palais (1881-date).
- Panorama de jurisprudence—Gaz. Pal. [year], 2, pan. jurispr.
- Panorama de droit administratif—Gaz. Pal. [year], 2, pan. admin.

Juris-Classeur Périodique.
- Edition entreprise—JCP [year] éd. E. [year], [no.].
- Edition avoués—JCP [year] éd. av. [year], [no.].
- Edition commerce en industrie—JCP [year], éd. com. [year], [no.].
- Edition notariale—JCP [year] éd. not. [year], [no.].

Reporters for Administrative Jurisdiction

Recueil des decisions [arrets] du Conseil d’Etat (1821-date).
Cite to Lebon if therein, otherwise to Dalloz or Sirey.
France

SOURCES

Legifrance  
http://www.legifrance.gouv.fr

CIA World Factbook  

Researching French Law  
http://www.llrx.com/features/french.htm

The Bluebook: France

French Law Guide: Cornell Law School  
http://www.lawschool.cornell.edu/lawlibrary/encyclopedia/countries/france/

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